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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,886	02/24/2004	Yoshihisa Ogata	11-226	9958

23400 7590 11/17/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,886

Applicant(s)

OGATA ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagao et al., 2002/0099486.

3. As per claims 10-14, 19 and 20, Nagao et al. disclose a roll angular velocity detector detecting a roll angular velocity of the vehicle(21); an acquiring unit acquiring a roll angle of the vehicle(515); a rollover determination unit performing a rollover determination whether or not there is a possibility that the vehicle will make a rollover, on the basis of a value of the roll angle and a value of the roll angular velocity(520); an acceleration detector detecting a lateral acceleration to be applied on the vehicle in a lateral direction of the vehicles(505); a side-impact determination unit performing a first side-impact determination determining whether or not there is a side impact applied on the vehicle on the basis of a value of the lateral acceleration detected by the acceleration detector and a second side-impact determination whether or not the side impact occur on which lateral side of the vehicle on the basis of the value of the lateral acceleration in paragraphs 41 and 42; and an activation control unit controlling

activation of the occupant protective devices, every device mounted on each lateral side of the vehicle, using results determined by the rollover determination unit and the side-impact determination unit(20a); to control one or more devices of the plural occupant protective devices on the basis of a result of the first side-impact determination, the one or more occupant protective devices being mounted on a collision side of the vehicle decided by the second side-impact determination and to control remaining one or more devices of the plural occupant protective devices on the basis of a result of the rollover determination, the one or more remaining occupant protective devices being mounted on a non-collision side of the vehicle decided by the second side-impact determination in paragraphs 43 and 44; the rollover determination unit has a two-dimensional map consisting of the roll angle and the roll angular velocity serving as two dimensions, boundary lines being set on the map to form a first region showing a possibility of a vehicle's rollover and a second region showing no possibility of the vehicle's rollover, and means for performing the rollover determination by pointing at a point on the map, the point being defined by both the value of the roll angle and the value of the roll angular velocity in figure 8; and the side-impact determination unit is configured to perform the first side-impact determination using a magnitude relation between the value of the lateral acceleration and a predetermined threshold thereto in paragraph 41; to control one or more devices of the plural occupant protective devices on the basis of at least one of a result of the first side-impact determination and a result of the rollover determination, the one or more occupant protective devices being mounted on a collision side of the vehicle decided by the second side-impact determination and to

control one or more remaining devices of the plural occupant protective devices on the basis of a result of the rollover determination, the one or more remaining occupant protective devices being mounted on a non-collision side of the vehicle decided by the second side-impact determination in paragraph 50.

4. As per claims 15, 16, and 18, Nagao et al. disclose the rollover determination unit has a two-dimensional map consisting of the roll angle and the roll angular velocity sensing as two dimensions, boundary lines being set on the map to form a first region showing a possibility of a vehicle's rollover and a second region showing no possibility of the vehicle's rollover, and means for performing the rollover determination by pointing at a point on the map, the point being defined by both the value of the roll angle and the value of the roll angular velocity and the side-impact determination unit is configured to perform the first side-impact determination using a magnitude relation between the value of the lateral acceleration and a predetermined threshold thereto in figure 8; the boundary lines are adjustable to positions closer to an origin of the map in paragraphs 72-75.

Response to Arguments

5. Applicant's arguments filed 8-28-2006 have been fully considered but they are not persuasive. The argument that the cited prior art does not use both rollover determination and side impact determination to activate all the airbags is not convincing. In looking at figure 6 of the prior art, at step 520 a rollover determination is made, the path that leads to 530 can eventually lead to steps 540 and 545 where the side impact determination is taken into account. From this figure, it is clear that in some cases, both

the rollover and side impact determinations are both used to activate the restraints. The argument concerning the “two” determinations for a side impact is not convincing because the invention of Nagao must perform these determinations in order to operate. Nagao may perform both these determinations in one step, but the determinations are still performed otherwise Nagao would not operate correctly. The argument also states that the two determinations are performed on the output from the same acceleration detector. This is not recited in claim 10 and applicant's specification does not seem to agree with that statement.

Allowable Subject Matter

6. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 1-9 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose determining a rollover condition based on the change in the value of roll velocity over time.

Conclusion

9. This is a request for continued examination of applicant's earlier Application No. 10/784886. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS**

MADE FINAL even though it is a first action in this case. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

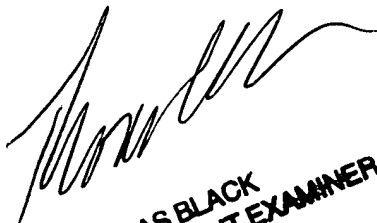
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER